

ORDINANCE 90-43

A SAFETY ORDINANCE PROHIBITING RECREATIONAL AND OTHER NON-PARKING
RELATED ACTIVITIES IN THE MUNICIPAL PARKING GARAGES AND LOTS

WHEREAS, the City of Bloomington Police Department has received numerous reports from persons who legitimately park in the municipal lots and garages of vandalism and property damage to their vehicles and of thefts of personal property from their vehicles while parked in the City lots and garages; and

WHEREAS, the City of Bloomington Police Department, Legal Department and Department of Public Works have received numerous complaints from persons legitimately using the municipal lots and garages of verbal harassment and fear for personal safety from persons using the lots for social, recreational and other nonparking related reasons; and

WHEREAS, the City of Bloomington has the duty to protect the safety and property of persons who utilize City facilities for the purposes for which they are designed; and

WHEREAS, the City of Bloomington is aware that persons are using the City parking lots and garages for nonparking purposes; that these persons do interfere with the normal business of the facilities; that in certain cases these person have caused actual damage and fear for personal safety; and that these persons in all cases create an increased potential for personal injury and property damage; and

WHEREAS, Indiana Code 36-9-11-7 empowers the City to "... adopt rules governing the use and operation of the facility [municipal owned parking lots and garages] so as to promote the maximum use of the facility by the public in a safe, orderly, and efficient manner."; and

WHEREAS, the Board of Public Works of the City of Bloomington has adopted the rules and procedures set forth herein and seek the approval of the Common Council in order to implement these rules and procedures;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 15.40.070 shall be added to Chapter 15.40, Municipal Parking Lots and Garages, of the Bloomington Municipal Code, as follows:

15.40.070 Non parking activities. (a) All recreational, social and non-parking related activities are prohibited in the City of Bloomington Municipal Parking Lots and Garages. The lots and garages affected are identified and described in BMC 15.40.010.

- (1) The prohibited activities include but are not limited to: skateboarding, roller skating, bicycling, individual and team sports, the use of any foot propelled or remote controlled equipment, consuming alcoholic beverages, congregating, meeting and socializing with other persons, "cruising" or driving through, and parking to remain in the lot or garage while engaging in these activities.
 - (2) The Department of Public Works shall have the discretion to post signs as necessary and appropriate.
- (b) Persons and organizations with permits or official permission to use the municipal lots or garages for special events and the participants of these events are exempt from the provisions of this section.

SECTION II. Section 15.40.080 shall be added to Chapter 15.40 of the Bloomington Municipal Code as follows:

15.40.080 Violation and penalty. A violation of 15.40.070 is a Class G Traffic Infraction and subject to the penalties listed in Section 15.64.010(h).

In addition, the City of Bloomington Police Department shall have the authority to seize and hold any equipment operated in violation of Section 15.40.070. Equipment includes but is not limited to skateboards, bicycles, and sports and recreational items but does not include motor vehicles.

Seized property may be retrieved at the Bloomington Police Department by showing proof that the fine assessed under this section was paid at the Parking Enforcement Division of the Department of Public Works, by order of a court of competent jurisdiction, by police order, or by executing a written promise to appear in court. All minors, persons under 18 years of age, must be accompanied by a parent or legal guardian in order to retrieve seized equipment.

SECTION III. Section 15.64.010(h) shall be amended to read as follows:

(h) Class G Traffic Violations

Fine: \$10.00

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|---------|---------------|---|
| Covers: | 15.32.160 (e) | Parking in Fire Lane |
| | 15.40.070 | Prohibited Activities in Municipal Parking Garages and Lots. |

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provisions or applications of this ordinance and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and promulgation according to law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 1990.

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 1990.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this _____ day of _____, 1990.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance, requested by the City of Bloomington Police Department, Department of Public Works and the Risk Management Division of the Legal Department, and approved by the Board of Public Works, prohibits all social and recreational and other nonparking related activities in the Municipal Parking Lots and Garages. Violations of this ordinance shall be subject to the penalties of Section 15.64.010(h) which assesses a \$10.00 fine. In addition, the Bloomington Police Department is given the authority to seize and hold all equipment, except motor vehicles, used in the violation of this section.